

## REMARKS

Applicants would first like to respond to the Examiner's response to applicants' previous arguments. It is appreciated that Jebens does indeed disclose the transmission of both high and low resolution images. The low resolution images are generated after the high resolution images have been stored on the central server 10. The system of Jebens is designed to provide a digital data management system whereby images provided by the image provider 14 are stored and that may be accessed by various users as illustrated by browsers 12. The high resolutions images are provided by the image provider for storage. In addition with the images, there is provided meta data that can be searched with respect to the associated image. Any searching that is accomplished is done on the images that have been stored on the image server along with the metadata. The viewing of the low resolution images occurs only after the high resolution images have been stored. For example, when users wish to create a job order and after a search, the low resolutions are used. This is in contrast to the present invention.

A problem in the prior art exists when one or more high resolution digital images are transferred from a home computer to a network provider. See page 2, lines 12-13 of the present invention. As set forth in the background of the invention, many times a consumer can not make a purchase decision until the images are manipulated and presented in a finished format. This results in that a barrier of having to upload a large amount of image data and time investment associated with that discourages users from initiation of purchase cycle or the time invested by the consumer in transferring of the image file to the service provider. The present invention provides a way for the consumer to browse and make purchase decisions on products and services before investing a significant amount of time in transferring data while maintaining their ability to view an accurate representation of the final goods and/or services. In particular, this is accomplished by first uploading the low resolution image to the service provider and the service provider having software for allowing manipulation and order a good base on the low resolution and then later transmitting the high resolution image and digital image after using of the software. This is not taught or suggested in Jebens and/or Sparks individually or in combination.

The main problem directed to by Jebens is the storage and the management of large amounts of digital data for image providers. The host system 10 allows certain access by certain users to access images. There is no teaching or suggestion of first uploading the low resolution, manipulating using the low resolution and then uploading of the high resolution as set forth in the independent claims of the claimed invention.

The Sparks system is merely directed to providing a database whereby low resolution images can be viewed and used for assemblages of marketable pieces. After providing a marketable piece, then, a high resolution images are used to produce a marketable piece. Hereagain, there is no teaching of uploading first to the storage site low resolution images providing software for manipulating of the images and only after the manipulation is the forwarding of the high resolution image uploaded to the site as taught and claimed by applicants.

The "open channel" as coined by the Examiner, provided by the present invention, is more than allowing the placement of an order but of a series of sequential steps which provide for a more efficient use of the consumers time in being able to first determined that whether or not a marketable product can be obtained prior to uploading the high resolution image. This is not taught or suggested by the prior art.

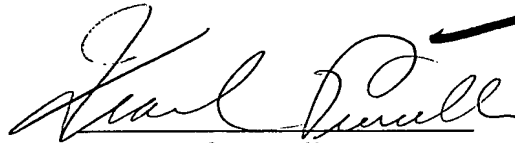
The Examiner also rejected claims 10, 20 and 30 under 35 USC § 103(a) as being unpatentable over Jebens in view of Sparks as rejected claims 1,11 and 21 and further in view of Sacca et al. 6,380,967. It is respectfully submitted that the Sacca et al. reference does not add anything which would render applicants invention obvious as these claims all depend upon independent claim that have been shown to be patentably distinct. It is not only the particular limitations that work together to provide the present invention but the particular sequence of steps that are set forth by applicant i.e. the user transmitting the low resolution image data file and an associated metadata to a server at a remote image photoservice provider over a communication network. Then allowing the users to manipulate and/or order goods over a communication network with respect to the low resolution image set forth. The service provider then providing feedback to the user based on the metadata and/or user using the software, the user then transmits the high resolution image file to the service provider. It is the

sequence of steps that solves the problem to which the present invention is directed, which is not taught or suggested by any of the references cited.

In view of the foregoing applicant respectfully submits that the application is in condition for allowance and such action is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is captioned **"Version with Markings to Show Changes Made"**.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Pincelli", is written over a horizontal line. A long, thin, slightly curved line extends from the right side of the signature towards the upper right corner of the page.

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**Version With Markings to Show Changes Made**

**In the Claims:**

Claim 50 has been amended as set forth below:

50. (Once Amended) A method for ordering digital image goods and/or services by a user from a remote service provider over a communication network with respect to an image provided as a low resolution digital file and a high resolution digital image file, said image captured by a user and having associated meta data, comprising the steps of:

- a. said remote image service provider receiving said low resolution digital image file and said meta data of said image from said user said communication network;
- b. said server allowing said user to manipulating said image and/or ordering of goods and/or services with respect to said image over a communication network;
- c. said service provider providing feed back to said user based on said meta data and/or said user using said software; and
- d. said service provider obtaining said high resolution digital image file after completing step c.

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